

AMENDED IN SENATE SEPTEMBER 8, 2005

SENATE BILL

No. 1039

Introduced by Senator Bowen

February 22, 2005

An act to amend Section 4369.2 of the Welfare and Institutions Code to add a heading as Article 1 (commencing with Section 4369) to, and to add Article 2 (commencing with Section 4369.50) to, Chapter 8 of Part 3 of Division 4 of the Welfare and Institutions Code, relating to compulsive gambling, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1039, as amended, Bowen. Compulsive gambling.

Existing law establishes the ~~office of compulsive gambling~~ *Office of Problem and Pathological Gambling* within the State Department of Alcohol and Drug Programs for the purpose of developing a comprehensive program for problem and pathological gamblers. Existing law establishes the California Gambling Control Commission and sets forth its duties relating to the regulation of gambling in California.

This bill would enact the California Compulsive and Problem Gambling Awareness and Prevention Act to require the office, in collaboration with the commission, to establish a voluntary self-exclusion list, and to establish an advisory committee.

This bill would provide that persons on the list would agree to be excluded from gaming areas, to donate certain winnings or funds used in gaming, and to be subject to other restrictions related to gambling, for a predetermined period of time.

This bill would prohibit any licensed gaming operation from knowingly allowing a person on the list to enter the gaming premises, and would require the office to develop prescribed educational

materials. The bill would establish, and continuously appropriate for this purpose, the Compulsive and Problem Gambling Prevention Fund.

~~This bill would make a technical, nonsubstantive change.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. A heading is added as Article 1 (commencing
2 with Section 4369) to Chapter 8 of Part 3 of Division 4 of the
3 Welfare and Institutions Code, to read:

4
5 Article 1. The Office of Problem and Pathological Gambling

6
7 SEC. 2. Article 2 (commencing with Section 4369.50) is
8 added to Chapter 8 of Part 3 of Division 4 of the Welfare and
9 Institutions Code, to read:

10
11 Article 2. California Compulsive and Problem Gambling
12 Awareness and Prevention Act

13
14 4369.50. (a) This article shall be known, and may be cited,
15 as the California Compulsive and Problem Gambling Awareness
16 and Prevention Act.

17 (b) The Legislature finds and declares all of the following:

18 (1) The costs to society of compulsive and problem gambling
19 include family disintegration, criminal activity, and financial
20 insolvencies.

21 (2) Compulsive and problem gamblers suffer a higher
22 incidence of addictive disorders, including, but not limited to,
23 alcohol and substance abuse.

24 (3) Residents of California have the opportunity to participate
25 in a variety of legal gambling activities operated by the state, by
26 federally recognized tribes, and by private businesses and
27 nonprofit organizations.

28 (4) It is imperative for the health, safety, and welfare of the
29 citizens of the State of California that all gaming licensees,
30 casino gaming operators, and the state develop and implement
31 coordinated compulsive and problem gambling programs.

1 (5) *It is the intent of the Legislature to provide long-term,*
2 *dedicated funding for public awareness and education regarding*
3 *compulsive and problem gambling, training in its identification*
4 *and treatment, and treatment services for compulsive and*
5 *problem gamblers, and, as clinically appropriate, members of*
6 *their families.*

7 (c) *As used in this article, the following terms have the*
8 *following meaning:*

9 (1) *The “list” means the self exclusion list established*
10 *pursuant to Section 4369.60.*

11 (2) *“Committee” means the Compulsive and Problem*
12 *Prevention Advisory Committee established pursuant to Section*
13 *4369.55.*

14 4369.55. *The office shall establish the Compulsive and*
15 *Problem Gambling Prevention Advisory Committee to assist in*
16 *designing, development, managing, and evaluating the*
17 *effectiveness of compulsive and problem gambling prevention,*
18 *education, and services.*

19 4369.60 (a) *The office, in collaboration with the California*
20 *Gambling Control Commission and the committee, shall provide*
21 *a procedure whereby a person who acknowledges that he or she*
22 *has a gambling problem may self-identify and self-exclude*
23 *himself or herself from California gaming operations.*

24 (b) *The procedure shall require the self-excluded persons to*
25 *pledge to not enter the gaming area of or engage in gaming in*
26 *California gaming operations and agree to be removed*
27 *voluntarily from all mailing, marketing, and promotional lists*
28 *and databases.*

29 (c) *The office shall maintain the self-exclusion list and*
30 *distribute it to each licensed gaming operation which shall*
31 *acknowledge receipt of the list in writing. The list may also be*
32 *distributed to law enforcement agencies. The office shall*
33 *maintain the list in a confidential manner.*

34 (d) *The request may be made only by the individual, and not*
35 *by another person. A person does not need to provide a reason*
36 *for this request. The following information, to the extent known,*
37 *shall be provided for each excluded person:*

38 (1) *The full name, including maiden name and all aliases.*

39 (2) *Home street address or P.O. Box.*

40 (3) *Date of birth.*

1 (4) *Copy of his or her driver's license.*

2 (5) *A physical description.*

3 (6) *The effective date the person's name was placed on the list.*

4 (7) *A photograph, if available.*

5 (8) *Designate the duly registered charitable or governmental*
6 *agency on a list of gambling support service providers and*
7 *treatment providers approved by the office that shall receive a*
8 *donation of assets listed in Section 4369.65, in the future, if and*
9 *when the self-excluded person enters the gaming area of a*
10 *licensed gaming operations.*

11 4369.65. (a) *A person seeking placement on the list shall, at*
12 *the time of the request to be placed on the list, agree to donate all*
13 *jackpots of one thousand two hundred dollars (\$1,200) or over,*
14 *and the value of all chips or tokens in play or in plain view,*
15 *noncomplementary vouchers, and electronic credits in his or her*
16 *possession or control if the person is observed within the gaming*
17 *area of a licensed gaming operation after voluntary placement*
18 *on the list.*

19 (b) *The form shall contain the signature of the person*
20 *submitting the request for voluntary exclusion indicating*
21 *acknowledgment of the conditions of the exclusion period.*

22 (c) (1) *As part of the request for voluntary exclusion, a person*
23 *shall elect the time period for which he or she wishes to be*
24 *excluded. An individual may select any of the following time*
25 *periods as a minimum length of exclusion:*

26 (A) *One year.*

27 (B) *Five years.*

28 (C) *Lifetime.*

29 (2) *Notwithstanding paragraph (1), the person may withdraw*
30 *from the program at any time by requesting, in writing, that his*
31 *or her name be removed from the list.*

32 4369.70. (a) *No licensed gaming operation may disclose the*
33 *name of any person on the list to any third party unless*
34 *specifically authorized by this section or required by a court*
35 *order specifically requiring the release of mental health records*
36 *and information.*

37 (b) *No licensed gaming operation shall knowingly allow any*
38 *person placed on the list pursuant to this section to enter the*
39 *gaming premises of, or engage in gambling at, the establishment.*
40 *The operation shall ensure that self-excluded persons do not*

1 receive, either from the establishment or any agent thereof,
2 targeted mailings, telemarketing promotions, player club
3 materials, or other promotional materials, relative to gaming
4 activities at its licensed operation.

5 (c) Licensees shall maintain a system designed to detect
6 persons on the list so as to enforce this section. Gaming
7 operations may, at their discretion, opt to exclude persons on the
8 list from the gaming operation entirely, rather than just its
9 gaming areas.

10 (d) Nothing in the section shall prohibit the gaming operation
11 from alerting local authorities of a voluntarily excluded person's
12 presence in a facility.

13 4365.75. (a) The office, in collaboration with the California
14 Gambling Control Commission and the committee, shall develop
15 procedures to prevent any person placed on the list from having
16 access to credit or from receiving complimentary services,
17 check-cashing services, and other gaming benefits.

18 (b) The committee shall periodically review the effectiveness
19 of the procedure and provide subsequent recommendations to the
20 office.

21 (c) The office, in collaboration with the State Department of
22 Education, statewide problem gambling associations, and the
23 committee, shall develop information materials concerning
24 compulsive and problem gambling and shall provide for the
25 distribution of those materials to school districts for
26 incorporation into existing curriculum to the fullest extent
27 possible. The program shall include, but shall not be limited to,
28 written materials, brochures, videos, and other forms of media.
29 The State Department of Education shall implement the program
30 in public elementary schools and shall make the program
31 available to nonpublic elementary schools.

32 (d) The office, in collaboration with the State Department of
33 Health Services, statewide problem gambling associations, and
34 the committee, shall develop appropriate written materials for
35 educating seniors about the potential problems associated with
36 gambling and information on obtaining assistance with a
37 gambling problem. The State Department of Health Services
38 shall annually include the materials in regularly scheduled state
39 correspondence with seniors.

1 (e) The committee shall develop and recommend to the office a
2 program for public education, research, and training regarding
3 compulsive and problem gambling and the treatment and
4 prevention of compulsive and problem gambling. The program
5 shall, at a minimum, include all of the following:

6 (1) Establishment and maintenance of a toll-free “800”
7 telephone number to provide crisis counseling and referral
8 services to families experiencing difficulty as a result of problem
9 or compulsive gambling.

10 (2) Promotion of public awareness regarding the recognition
11 and prevention of problem and compulsive gambling. This shall
12 include, but not be limited to, mass media campaigns, public
13 service announcements and other broadcast messaging strategies
14 targeted to seniors, parents, and the general public.

15 4369.80. (a) The Compulsive and Problem Gambling
16 Prevention Fund is hereby established. Moneys in the fund are
17 continuously appropriated to the office, without regard to fiscal
18 years, for the purpose of funding the implementation and
19 administration of this article. All funds donated pursuant to
20 Section 4369.65 shall be deposited in the fund for distribution to
21 the designated agency pursuant to paragraph (8) of subdivision
22 (d) of Section 4369.60.

23 (b) The committee shall periodically review the effectiveness
24 of the self-exclusion list procedure pursuant to this article and
25 provide subsequent recommendations to the office.

26 ~~SECTION 1. Section 4369.2 of the Welfare and Institutions~~
27 ~~Code is amended to read:~~

28 ~~4369.2. (a) The office shall develop a problem gambling~~
29 ~~prevention program, which shall be the first priority for funding~~
30 ~~appropriated to this office. The prevention program shall be~~
31 ~~based upon the allocation priorities established by the department~~
32 ~~and subject to funding being appropriated for the purpose of this~~
33 ~~subdivision, and shall consist of all of the following:~~

34 ~~(1) A toll-free telephone service for immediate crisis~~
35 ~~management and containment with subsequent referral of~~
36 ~~problem and pathological gamblers to health providers who can~~
37 ~~provide treatment for gambling related problems and to self-help~~
38 ~~groups.~~

39 ~~(2) Public awareness campaigns that focus on prevention and~~
40 ~~education among the general public, including, but not limited to,~~

1 dissemination of youth-oriented preventive literature, educational
2 experiences, and public service announcements in the media.

3 (3) Empirically driven research programs focusing on
4 epidemiology/prevalence, etiology/causation, and best practices
5 in prevention and treatment.

6 (4) Training of health care professionals and educators, and
7 training for law enforcement agencies and nonprofit
8 organizations in the identification of problem gambling behavior
9 and knowledge of referral services and treatment programs.

10 (5) Training of gambling industry personnel in identifying
11 customers at risk for problem and pathological gambling and
12 knowledge of referral and treatment services.

13 (b) The office shall develop a program to support treatment
14 services for California residents with problem and pathological
15 gambling issues. The program shall be based upon the allocation
16 priorities established by the department and subject to funding
17 being appropriated for the purposes of this subdivision. These
18 priorities shall also be based on the best available existing state
19 programs as well as on continuing research into best practices
20 and on the needs of California. The treatment program shall
21 consist of all of the following components:

22 (1) Treatment services for problem and pathological gamblers
23 and directly involved family members. These treatment services
24 will be created through partnerships with established health
25 facilities that can provide treatment for gambling-related
26 problems, substance abuse facilities, and providers. State-funded
27 treatment may include, but is not limited to, the following:
28 self-administered, home-based educational programs; outpatient
29 treatment; residential treatment; and inpatient treatment when
30 medically necessary.

31 (2) A funding allocation methodology that ensures treatment
32 services are delivered efficiently and effectively to areas of the
33 state most in need.

34 (3) Appropriate review and monitoring of treatment programs
35 by the director of the office or a designated institution, including
36 grant oversight and monitoring, standards for treatment, and
37 outcome monitoring.

38 (4) Treatment efforts shall provide services that are relevant to
39 the needs of a diverse multicultural population with attention to
40 groups with unique needs, including female gamblers,

1 underserved ethnic groups, the elderly, and the physically
2 challenged.
3 (e) The office shall make information available as requested
4 by the Governor and the Legislature with respect to the
5 comprehensive program.

O